

ICC DOCKET No. 00-0007
COMMONWEALTH EDISON COMPANY'S RESPONSES TO QUESTIONS
SUBMITTED BY THE NEUTRAL FACT-FINDER ON APRIL 26, 2000
DATED: 5/5/00

On April 26, 2000 the Commission Staff circulated to alternative retail electric suppliers, electric utilities, and other interested parties two questions submitted by the NFF. Following are Commonwealth Edison Company's responses.

Question 1: *Does the Act provide the NFF with the ability to adjust the prices reported in the contract summaries to be more reflective of actual market prices and/or peak and off-peak energy costs at the time the NFF determines market values? If yes, provide proposed mechanisms to do so and cite the provisions of the Act that permit the NFF to do so.*

Response: The Act does not provide the NFF with the authority to "adjust" the prices reported in the contract summaries or to look at "actual market prices" other than those reflected in the contract data reported to it. Instead, the Act defines the information that the NFF may consider in making its determination, which is the information contained in the contract summaries. In addition, the Act does not give the NFF the authority to interpret the Act. Rather, the Commission interprets the Act. The Commission's recently entered order in Docket 00-0007 outlines the contract data that is to be reported to and reviewed by the NFF.

The Act does, however, give the NFF the authority to calculate market values that are more reflective of peak and off-peak energy costs than past NFF reported market values have been, based on the contract data and "actual energy costs" that reporting entities may submit pursuant to Sections 16-112(c) and 16-112(f) and the Commission's order in Docket 00-0007. Thus, if this data contains price or cost data that has clear seasonal or peak/off peak variations, the NFF could choose to consider that data in determining how to allocate other contract values in calculating overall market values. This authority can be found in Sections 16-112(d) – (f) of the Act.

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Question 2: *If the NFF is permitted to adjust contract prices reported to be more reflective of actual market prices, what information is required and how may the NFF seek and receive such information? Cite the provision or provisions of the Act that permit the NFF to seek and receive such information.*

Response: As stated in response to question 1 above, the NFF does not have the authority to determine "actual market prices" or to seek and receive information on which to base such a determination. The NFF's authority is limited to reviewing and calculating market values based on the contract and other data that reporting entities are required to submit and that the NFF is appointed to review.